

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -APRIL 17, 2007- -7:30 P.M.

Mayor Johnson convened the Regular City Council Meeting at 7:30 p.m. Vice Mayor Tam led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers deHaan, Gilmore, Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(07-167) Proclamation declaring April 21, 2007 as Earth Day.

Mayor Johnson read and presented the proclamation to Duane Watson, owner of Lee Auto.

Mr. Watson thanked Council for the proclamation; encouraged everyone to recycle as much as possible.

(07-168) Proclamation declaring the month of April as Fair Housing Month.

Mayor Johnson read and presented the proclamation to Mona Breed, Executive Director of Sentinel Fair Housing.

Ms. Breed thanked Council for the proclamation; stated Sentinel Fair Housing has enjoyed a productive partnership with the City.

(07-169) Presentation on Implementation of the CCG Consulting L.L.C. Report, "An Analysis of Telecom Operations."

Mayor Johnson introduced Ann McCormick, Public Utilities Board (PUB) President; stated that tonight a report is being presented on the progress of implementing the operational recommendations prepared by CCG Consulting; the PUB has a responsibility to operate the Alameda Power and Telecom (AP&T) system under the City's Charter; the Charter specifies that Council may request reports from the PUB regarding system operations; the Charter does not authorize Council to direct the operations; the PUB has the responsibility to direct the operations.

Ms. McCormick stated sharing information about AP&T's operational

changes is a pleasure; a presentation was given to the PUB this week; the report summarizes information that is provided to the PUB on a monthly basis; introduced the AP&T General Manager.

Mayor Johnson welcomed the AP&T General Manager to Alameda.

The AP&T General Manager provided a brief presentation.

Councilmember deHaan requested a definition of the term "churn."

The AP&T General Manager stated churn is the number of customers who leave the system every month; the industry average is approximately 2.1%; a 1% churn is being recommended over a over a five-year period.

The AP&T General Manager continued with the presentation.

Vice Mayor Tam inquired what voice service involves.

The AP&T General Manager responded the City needs to chose the type of technology to utilize; there are two business models; one involves buying a softswitch and would provide all telephone services; the other is a partnership model; the City would contract with someone to provide service and billing; the two big issues are revenue and timed market; timed market could be nine to fourteen months for the softswitch approach; the revenue is high; service could be delivered within six months with the partnership model, but revenue is less; the City would receive a share of the revenue; technology is being evaluated; both models have certain regulatory issues.

Vice Mayor Tam requested clarification on AP&T's obligations to provide a public access channel, studio, internship, etc.

The AP&T General Manager stated the franchise agreement requires AP&T to provide a public access channel, two internships per year, and equipment for a studio; a hybrid approach has been done in the past to provide some of the elements and to provide substantial postproduction services; current postproduction commitments will be completed.

Vice Mayor Tam inquired whether completed footage could be turned over to AP&T for broadcasting, to which the AP&T General Manager responded in the affirmative.

Councilmember deHaan inquired whether the survey included the likelihood of voice service customers.

The AP&T General Manager responded staff is in the process reviewing the draft report and providing comments; the final report is to be presented to the PUB at their next meeting; the initial feedback has been positive and shows that customers would switch to AP&T if the service were cheaper.

Councilmember deHaan inquired whether the figures are close to what the Consultant estimated for success.

The AP&T General Manager responded the figures would be known after follow up is completed.

Councilmember deHaan stated that many of the Consultant's suggestions have been implemented; inquired whether there would be additional cost-saving opportunities.

The AP&T General Manager responded the Consultant was clear that implementing everything suggested would be a huge challenge; stated the main focus is to get to a zero inter-fund advance; AP&T expects to transfer approximately \$1.2 million from the power division to the telecom side this year, which is down from the \$2.6 originally budgeted; AP&T is heading in the right direction.

Councilmember deHaan stated cost savings have been netted from actions taken already; inquired whether the operation would be viable as status quo.

The AP&T General Manager responded all business plans include refinancing the 2009 bond; cutting costs, increasing revenue and increasing operation efficiencies are needed to make up the difference and meet the obligation; a lot of the cost cutting is coming first; the major revenue enhancing strategies would come later; he does not see major cost cutting strategies in the future; some strategies have been postponed, such as the billing system; the matter would be reviewed in 2008.

Councilmember Matarrese thanked the AP&T General Manager and PUB for the presentation; stated it is important for the public to be kept appraised; progress is being made; thanked the AP&T General Manager for reviewing the commercial market; inquired when voice would become part of the budget line item.

The AP&T General Manager responded Fiscal Year 2008; stated steps are being taken to explore different business models.

Councilmember Matarrese stated that a rate increase is projected in the coming year's budget; the rate would still be below Comcast's rates; inquired whether the rate would be below Alameda Comcast

rates, not an average Comcast rate, to which the AP&T General Manager responded in the affirmative.

Councilmember Matarrese stated that people should be switching to AP&T; AP&T internet and cable is cheaper than Comcast, even with the rate increase; Alamedan's should be investing in themselves.

Councilmember Gilmore stated reducing the churn to 1% seems like a formidable task; inquired how the churn would be reduced for the military; requested an explanation on the recommendation for increased web presence.

The AP&T General Manager responded the churn reduction is an incredibly ambitious goal; stated all recommendations will be tried; needed changes will be monitored; web presence connects with customer service; he would like to get some of the pressure off the Customer Service Center through the web; the Customer Service Center is inundated with calls; the phone system is being upgraded; he would like to move non-essential type customer interactions to the web.

Councilmember deHaan inquired whether the number of customers has increased.

The AP&T General Manager responded there has been a leveling off; stated there has been a net of 30 customers lost in the last three months; there is a churn of 250 to 300 customers leaving AP&T; AP&T gets as many customers back, minus 30.

Councilmember deHaan inquired whether reduced marketing efforts have had an impact.

The AP&T General Manager responded door-to-door sales people were used in the past; stated a plateau was reached; it was time to try a different way to reach customers; no one has been on the streets for an extended period of time since the elimination of the door-to-door sales people; management structure has changed; a few changes have been made in terms of refocusing some of the reporting relationships; low-cost/Guerilla marketing will be reviewed.

Councilmember deHaan stated it is in the public's best interest to be supportive.

The AP&T General Manager stated staff is very focused and wants to make the business a success.

Mayor Johnson stated that the AP&T General Manager is doing a great job in moving both the power and electric sides forward as

businesses; inquired what is the goal beyond zero inter-fund advances.

The AP&T General Manager responded staff is reviewing ways to make AP&T a viable business; voice is a major piece in making AP&T viable; operational efficiencies are reviewed continually; there may be some additional revenue increasing strategies for the internet service.

Mayor Johnson inquired how many telecom and power staff reductions have been made.

The AP&T General Manager responded eleven to thirteen staff reductions occurred from the previous fiscal year to this fiscal year; ten reductions are estimated for the proposed Fiscal Year 2008 budget; budgeted positions peaked at 142 several years ago; the budget is projecting 118 positions for next year.

Mayor Johnson inquired whether the 118 positions would be for power and telecom, to which the AP&T General Manager responded in the affirmative.

Mayor Johnson inquired when the postproduction commitment would end, to which the AP&T General Manager responded May for the existing programs.

Mayor Johnson inquired whether people would be able to run the community access programs but no editing would be done.

The AP&T General Manager responded in the affirmative; stated there may be some opportunities for interns to prepare specific programs and projects and provide some very focused, specialized training to people in the community.

Mayor Johnson stated editing is a luxury for the community but is not affordable at this point; editing may be affordable in the future; inquired whether the power and telecom sides are being reviewed for operational efficiencies, to which the AP&T General Manager responded in the affirmative.

Councilmember deHaan stated electric staffing levels are being brought down to pre-1998 levels; requested more information on the matter.

The AP&T General Manager stated he would discuss the matter with Councilmember deHaan at a later time.

CONSENT CALENDAR

Regular Meeting
Alameda City Council
April 17, 2007

Mayor Johnson announced that the Introduction of Ordinance [paragraph no. 07-180] was removed from the Consent Calendar for discussion.

Councilmember Matarrese moved approved of the remainder of the Consent Calendar.

Councilmember Gilmore seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*07-170) Minutes of the Special and Regular City Council Meetings held on April 3, 2007. Approved.

(*07-171) Ratified bills in the amount of \$2,149,429.28.

(*07-172) Recommendation to award Contract in the amount of \$125,000 to Sally Swanson Architects, Inc. for update of the City's Americans with Disabilities Act Transition Plan and Self-Evaluation Plan.

(*07-173) Recommendation to approve joining the Joint Powers Agreement known as the Bay Area Employee Relations Services (BAERS).

(*07-174) Recommendation to award Contract in the amount of \$857,200, including contingencies, to Golden Bay Construction, Inc. for Repair of Portland Concrete Sidewalk, Curb, Gutter, Driveway and Minor Street Patching, Fiscal Year 2006-07, Phase 8, No. P.W. 08-06-18.

(*07-175) Recommendation to accept the work of Ransome Company for Site Improvements and Designed Mobile Systems Industries, Inc. for Modular Building and Foundation Improvements associated with the New Modular Building (Washington Park Community Center) at Upper Washington Park, No. P.W. 05-06-17.

(*07-176) Recommendation to award a five-year Vehicle Tow Contract to Ken Betts Towing.

(*07-177) Recommendation to approve second amendment to Contract with Keyser Marston Associates, Inc. increasing the amount by \$25,000 for consultant services to assist with Ballena Isle Marina negotiations.

(*07-178) Recommendation to reject Sole Bid and Resolution No.

14082, "Authorizing Open Market Negotiation of Contract Pursuant to Section 3-15 of the Alameda City Charter and Purchase of a Modular Recreational Building and Site Improvements at Bayport, Project No. 83110100, and Authorizing the City Manager to Enter into Such an Agreement." Adopted.

(*07-179) Resolution No. 14083, "Vacating a Portion of a Ten-Foot Wide Power Easement and Recordation of Quitclaim Deed Within Parcel 2, Parcel Map 2542 (Alameda Towne Centre)." Adopted.

(07-180) Introduction of Ordinance Amending Alameda Municipal Code Subsection 23-6.2 (Operation of Power Boats) of Section 23-6 (Harbor and Tidelands) of Chapter XXIII (Parks, Recreation Areas and Public Property) by Repealing Subsection 23-6.2 in Its Entirety and Adding a New Subsection 23-6.2 (Operation of Power Boats) that Incorporates Speed Limits for Vessels Propelled by Machinery in an Estuary or Channel and Continues the Prohibition of Power Boats in Lagoons. Introduced.

Jim Silver, Alameda, stated the Estuary is highly policed; he does not feel ticketing is needed; warnings are adequate.

Timothy Corfey, Alameda, stated police presence is not excessive on the Estuary; he has an issue with the speed limit; speeds are difficult to determine.

Mayor Johnson inquired whether the proposed ordinance would be enforceable by other agencies that patrol the waterways, to which the City Attorney responded in the affirmative.

Mayor Johnson stated that she received a call from someone associated with the Oakland Strokes; an incident occurred on the waterway during practice yesterday; the Oakland Strokes strongly support the proposed ordinance.

Councilmember Gilmore requested clarification on how the speed limit is gauged.

The Police Lieutenant stated the speed limit is gauged by the distance away from a launch ramp or a dock; the ordinance does not prevent a boater from driving any desired speed down the center of the Estuary as long as they are not within one hundred feet of a dock; the Harbors & Navigation Code is used for repeat offenders; the District Attorney's office has dismissed all citations issued under the Harbors & Navigations Code; the District Attorney's office would be more inclined to prosecute the cases if the City had an ordinance.

Mayor Johnson inquired whether the proposed ordinance is the same as State law and would allow for City enforcement without prosecution from the District Attorney's office.

The Police Lieutenant responded the District Attorney's office would still prosecute; stated the proposed ordinance is slightly different and more specific than the Harbors & Navigation Code sections; the District Attorney's office is uncomfortable with how the Harbors & Navigation Code applies to the City's situation.

Mayor Johnson inquired whether the proposed ordinance requirements are similar to the Harbors & Navigation Code requirements, to which the Police Lieutenant responded in the affirmative.

Councilmember deHaan inquired how commercial vessels and barges would be affected.

The Police Lieutenant responded the proposed ordinance would apply to all vessels; stated commercial boaters do not cause problems; Maritime law holds all boaters responsible for individual damage.

Councilmember deHaan stated the ferry exceeds five-miles per hour.

The Police Lieutenant stated the Alameda Ferry Terminal is the only dock in the area and does not infringe on any private marinas.

Councilmember deHaan stated that the proposed ordinance would provide a ticketing process that would be enforceable.

The Police Lieutenant stated the ability to write tickets has always existed; the problem is that none of the citations are being prosecuted.

Vice Mayor Tam inquired whether the fines would be paid to the City under the proposed ordinance.

The City Attorney responded in the affirmative; stated a copy of the adopted ordinance would go to the County; a bail schedule would be created; the City would receive a portion the fine.

Vice Mayor Tam inquired whether the fine would recapture some of the costs associated with the Police Officer's time, to which the Police Lieutenant responded in the affirmative.

The City Manager requested clarification on the affects that the sailboats would have.

The Police Lieutenant stated very little wake is produced when a

boat is not sitting low in the water; sailboats are never sitting low in the water and do not create a wake.

Councilmember Matarrese moved introduction of the ordinance.

Councilmember Matarrese requested an evaluation report after six months of patrol.

Councilmember deHaan seconded the motion with the caveat that an activity briefing be provided.

On the call for the question, the motion carried by unanimous voice vote - 5.

REGULAR AGENDA ITEMS

(07-181) Recommendation to receive the Report "EveryOne Home, the Alameda Countywide Homelessness and Special Needs Housing Plan."

Mayor Johnson stated that the City has a long history of supporting homeless services, starting with the creation of the Homeless Task Force and the Midway Shelter back in the late 1980's; the City has also funded other homeless prevention or safety-net service programs through the Community Development Block Grant (CDBG) Program, including the Alameda Red Cross ACCESS Program, the Alameda Food Bank, Domestic Violence Counseling programs, and Housing Counseling services; the City has funded and supported the creation of supportive housing projects, including the Alameda Point Collaborative units, the Housing Job Linkage program, and the 52 and 39 unit rental housing units; the City has long supported the efforts of the Alameda County Continuum of Care Homeless Council and other efforts to confront homelessness at a regional level in addition to participating in the development of the EveryOne Home Plan; the City would like to affirm its support for regional efforts to combat homelessness through the Alameda Countywide Homeless and Special Needs Housing Plan.

The Base Reuse and Community Development Manager introduced Linda Gardner, Director of Alameda County Housing and Community Development.

Ms. Gardner provided a brief Power Point presentation.

Mayor Johnson inquired what is the definition of homelessness for the Everyone Home Plan.

Ms. Gardener responded a community-based and Housing and Urban Development (HUD) definition was used; the HUD definition includes

people already in permanent, supportive housing and excludes people who are couch surfing or doubled up but have no right to remain the housing; HUD's definition for chronic homelessness is single, unaccompanied adults who have been homeless for a year or more or four or more times in the last three years and who have a disability; all families are excluded from HUD's definition of chronic homelessness.

Mayor Johnson stated the issue was presented at the U.S. Conference of Mayors last spring; homeless advocates were concerned that resources could be diluted because an adult child who lives in a parent's house could be included; inquired whether an adult child living in a family member's house could be included as a homeless person.

Ms. Gardener responded the Plan has a thrust for the HUD definition of chronic homeless and families who are truly homeless and have no other place to live.

Mayor Johnson inquired how the definition would exclude an adult living with a family member.

Ms. Gardener responded the definition does not exclude said adult, but said adult is not the focus.

Mayor Johnson stated that the committee did not recommend that a similar plan go forward at that time to the entire Conference because they were concerned about reducing the amount of benefits available to homeless under the traditional definition.

Ms. Gardener stated a significant number of families and homeless youth would be excluded by focusing on HUD's definition of homelessness.

Vice Mayor Tam welcomed Ms. Gardener to Alameda; stated that she worked with Ms. Gardener when she chaired the Alameda County Planning Commission; the Social Services Human Relations Board's Community Needs Assessment noted that approximately 13.6% of respondents experienced homelessness in the last three years; inquired how homelessness was described in the City of Alameda; requested comments on unique findings within the City that are different than other parts of the County and that may be barriers to providing the type of affordability needed to contribute toward ending homelessness.

Ms. Gardener responded that her survey did not come up with specific numbers for the City; stated the survey was more regional within the County.

Jim Franz, Social Services Human Relations Board (SSHRB), stated the homelessness definition was left up to the respondent in the survey; most people consider themselves homeless when they have no place to stay.

Vice Mayor Tam inquired what are the specific needs within the homeless community.

Mr. Franz responded people are making less money than is needed to fill basic needs; stated different choices are made every month; the Food Bank provides seven food packages per month; AP&T provides utility assistance; a good safety net is provided but does not keep everyone from becoming homeless; homelessness is a County-wide issue; a County-wide strategy is needed; the Plan provides an opportunity to work in partnership with the County over a ten-year period; encouraged Council to support the Plan.

Doug Biggs, Alameda Point Collaborative, stated the Collaborative is very excited about the Plan; the Plan would bring more resources together and provide a prospect for additional, permanent, supportive housing and seamless entry into services; encouraged Council to support the Plan.

Mayor Johnson requested staff to comment on the recommendation.

The City Manager stated staff is recommending that Council receive the report and affirm support for regional efforts to combat homelessness.

Councilmember Matarrese inquired what is the staff's assessment of the delta between endorsing or adopting the report and receiving the report with regard to the City's obligations.

Mayor Johnson stated that goals have been addressed; inquired whether there is a final plan that has been adopted.

The Base Reuse and Community Development Manager stated Council has been provided with the plan that outlines the goals.

Mayor Johnson stated that the staff report addresses the goals and not the actual Plan.

Ms. Gardener stated the Plan is final; a new copy could be provided; the content is the same as what was provided to Council.

Mayor Johnson inquired whether staff reviewed the Plan.

The Base Reuse and Community Development Manager responded in the affirmative; stated staff participated in the development of the Plan; a commitment is needed to work on a regional level to end homelessness; staff will continue to participate on the leadership structure and the various committees set up to implement the Plan on behalf of the City through the larger, County-wide process.

Councilmember Matarrese inquired whether the Plan should be adopted since the City is already measuring against the Plan.

The City Attorney responded that adoption of the Plan is not on the agenda this evening; stated Council could consider adoption of the Plan in the future; there is a distinction between adoption of any plan or policy that becomes an official act of the City and can be cited as an official City policy for which the City is then responsible and its own adopted policy which is a slight distinction between receiving and supporting participation, all of which the City has actively done with regard to the Plan and can continue to do so.

Councilmember Matarrese suggested reviewing the Plan against the City's activities and if there are any liabilities that can be assumed, Council can request that the Plan be adopted with said liabilities in mind; otherwise, Council can move forward.

Mayor Johnson inquired how the creation of 15,000 supportive housing units in Alameda County would work in relation to the Association of Bay Area Governments (ABAG) allocation.

The City Attorney responded the issue would be analyzed.

Councilmember deHaan inquired whether ABAG has endorsed the Plan.

Ms. Gardener responded ABAG has not been requested to endorse the Plan; stated the adoption of the Plan does not commit a City to any specific action and is only the adoption of the Plan's broadened goals.

Councilmember Matarrese stated a lot of time went into putting the Plan together; Council needs to know whether the ABAG allotment and 15,000 units overlap; details need to be analyzed; the Plan needs to come back to Council.

Councilmember deHaan stated that the City already has some goals in place and certain obligations; staff needs to review how the goals and obligations dovetail together.

Councilmember deHaan moved approval of receiving the report with

further direction.

Councilmember Matarrese seconded the motion.

Under discussion, Vice Mayor Tam requested clarification on the motion.

Councilmember deHaan stated Council would receive the existing draft Plan and review the City's current commitment and how it overlays with the Plan; the Plan would come back to Council for review and consideration of whether or not to adopt the Plan.

Vice Mayor Tam reiterated that the motion was to receive the report this evening with direction for staff to evaluate strategies and determine whether or not endorsement and adoption should be recommended to Council.

Mayor Johnson stated Council agrees with the goals; more information is needed on the Plan.

Councilmember Gilmore stated that she would like to affirm what the City can do and the City's goals even if there are things in the Plan that need further research or that cannot be answered when the matter comes back; she does not want the Plan to drop off the face of the earth even if the plans do not dovetail; the issue is important; the City has made commitments to the homeless population in the past.

Vice Mayor Tam stated she is comfortable with endorsing the Plan; she reviewed the strategies.

On the call for the question, the motion carried by unanimous voice vote - 5.

(07-182) Public Hearing to consider a recommendation to adopt FY 2007-08 Community Development Block Grant Action Plan and authorize the City Manager to negotiate and execute related documents, agreements and modifications.

The Community Development Program Manager gave a brief Power Point presentation.

Mayor Johnson opened the public portion of the hearing.

Henry Villareal, SSHRB, stated the SSHRB unanimously supports the public service funding as recommended; the SSHRB supports staff's recommendation to restore funding to BANANAS first; the American Red Cross Alameda Service Center should be considered next if

additional funding is available.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Councilmember Gilmore moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

Mayor Johnson thanked the SSHRB for recommendations; stated Council appreciates the SSHRB's time and effort.

(07-183) Recommendation to consider initiation of a Zoning Amendment in the area generally bounded by Madison Street to the north, Washington Street to the south, Fernside Drive to the east and Peach Street to the west.

The Planning and Building Director gave a brief report.

Mayor Johnson inquired whether the rezoning is the first step in the process, to which the Planning and Building Director responded in the affirmative.

Mayor Johnson inquired whether there would be Public Hearings.

The Planning and Building Director responded in the affirmative; stated the proposal would be reviewed and an analysis would be performed; meetings would be held; it is important to know what the neighbors want to achieve before a new, overlay district is created; the matter would go to the Planning Board before coming to Council.

Councilmember deHaan inquired whether the proposed rezoning is the first in the City, to which the Planning and Building Director responded in the affirmative.

Councilmember Gilmore inquired what was the height limit in the R-1 Zone, to which the Planning and Building Director responded thirty feet.

Councilmember Matarrese stated a Public Hearing was held regarding remodeled property in the area; inquired how the permit process would be affected and whether said property conforms with the general provisions of what is being proposed tonight.

The Planning and Building Director responded the owners are in the process of doing some redesign work and are waiting for tonight's

outcome; technically, the owners would not have to wait, but they are trying to work with the neighborhood.

Eunice Wong, Alameda, stated two-story homes are out of character for the neighborhood; the homes are very close together; limited sunlight is an issue.

Ann Quintell, Alameda, stated she would like to clarify that Peach Street is not included.

Mayor Johnson inquired whether the houses fronting on Peach Street are included.

Ms. Quintell responded in the negative; stated 82 houses are involved, not 118.

David McCarver, Alameda, stated the goal is to protect the neighborhood; encouraged Council to support the zoning amendment.

Mayor Johnson stated the proposed zoning amendment could be a model for other neighborhoods and is fair to current owners and prospective buyers; everyone would be under the same rules; buyers would know that there are additional restrictions prior to buying a home.

Councilmember deHaan stated that the proposed zoning amendment would enhance the capabilities of the Planning Department and Planning Board; he looks forward to initiating the rezoning.

Councilmember Matarrese moved approval of initiating the rezoning with special development standards with the amendment not to include Peach Street.

Councilmember deHaan seconded the motion.

Under discussion, Councilmember Gilmore stated that the rezoning amendment should move forward; she is comforted that there will be more public discussion opportunities within the neighborhood, Planning Department, and Planning Board; she is concerned with the twenty-foot height limit because she is not sure whether a two-story gabled roof would be possible under the twenty-foot limit; staff should review the matter carefully.

Vice Mayor Tam concurred with Councilmember Gilmore; stated that she has concerns with including only part of Peach Street; she would like to understand that the line is not an arbitrary boundary.

Councilmember Gilmore stated the houses that front Peach Street have a different orientation to the sun; kitchens would have blocked sunlight if a two-story home was build next to the houses that are perpendicular on Madison Street, San Jose Avenue, and Adams Street; Peach Street homes do not have the same concern.

Vice Mayor Tam stated she was addressing the area beyond Peach Street; questioned why Fillmore Avenue and Calhoun Avenue are not included.

Mayor Johnson stated neighbors initiated the matter; other neighborhoods can do the same thing; the responsibility needs to be placed on individual neighborhoods.

The Planning and Building Director stated the twenty-foot height limit would be part of the analysis; neighboring areas could be included.

Mayor Johnson stated only neighborhoods that want to be included should be included.

Councilmember deHaan inquired whether the neighborhood is a track area that was developed with a certain style, to which the Planning and Building Director responded in the affirmative.

Councilmember deHaan stated the Historical Advisory Board might want to review the matter.

Councilmember Gilmore stated the issue is not about preventing people from adding a second story to a single-story house; second stories can be added but there are some limitations.

On the call for the question, the motion carried by unanimous vice vote - 5.

(07-184) Resolution No. 14084, "Expressing Support for Full Funding for Transit Operations in the State's Fiscal Year 2007-2008 Budget." Adopted.

The Public Works Director gave a brief presentation.

Vice Mayor Tam moved adoption of the resolution.

Councilmember Gilmore seconded the motion.

Under discussion, Councilmember Matarrese stated more and more money will be spent on transit systems; he did not vote for the infrastructure bond to be used for operation.

Mayor Johnson stated the school buses run by that A.C. Transit use public transportation funding.

On the call for the question, the motion carried by unanimous voice vote - 5.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL COMMUNICATIONS

(07-185) Councilmember Matarrese stated that there have been discussions regarding how the City and School District could work together to relieve some of the stress on the School District budget; requested reviewing whether or not the School District's waste pick up could be consolidated with Alameda County Industries (ACI); stated the School District pays approximately \$140,000 per year to Waste Management; he understands that the consolidation could cost each rate payer an additional twenty-five cents per month.

The City Manager stated an analysis would be conducted and barriers identified.

Councilmember Matarrese stated all cost saving possibilities should be pursued.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 10:01 p.m.

Respectfully submitted,

Lana Stoker
Acting City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND
COMMUNITY IMPROVEMENT COMMISSION MEETING
TUESDAY- -APRIL 17, 2007- -6:00 P.M.

Mayor/Chair Johnson convened the Special Meeting at 6:10 p.m.

ROLL CALL - Present: Councilmembers/Commissioners deHaan,
Gilmore, Matarrese, Tam, and Mayor/Chair
Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(07-166CC) Conference with Labor Negotiators; Agency negotiators:
Craig Jory and Human Resources Director; Employee organizations:
All City Bargaining Units.

(07-011CIC) Conference with Real Property Negotiators; Property:
APN 074-0905-022-05, 074-0905-027 and 074-0905-028-04; Negotiating
parties: CIC and Union Pacific Railroad; Under negotiation: Price
and terms.

Following the Closed Session, the Special Meeting was reconvened
and Mayor/Chair Johnson announced that regarding Labor, Council
received a briefing on the status of labor negotiations from Labor
Negotiators and provided direction; regarding Real Property, the
Commission received a briefing from Real Property Negotiators
regarding potential terms of acquisition and gave direction to
staff regarding negotiating parameters. .

Adjournment

There being no further business, Mayor/Chair Johnson adjourned the
Special Meeting at 7:10 p.m.

Respectfully submitted,

Lana Stoker, Acting City Clerk
Acting Secretary, Community
Improvement Commission

The agenda for this meeting was posted in accordance with the Brown
Act.

MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING
TUESDAY- -APRIL 17, 2007- -7:31 P.M.

Chair Johnson convened the Special Meeting at 10:01 p.m.

ROLL CALL - Present: Commissioners deHaan, Gilmore, Matarrese,
and Chair Johnson - 5.

Absent: None.

CONSENT CALENDAR

Commissioner Tam moved approval of the Consent Calendar.

Commissioner Matarrese seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*07-012) Minutes of the Community Improvement Commission meeting held on April 3, 2007. Approved.

(*07-013) Recommendation to authorize the Executive Director to execute a Consultant Agreement with Harris & Associates in an amount not to exceed \$540,000, to be reimbursed by the Developer pursuant to the Disposition and Development Agreement, to provide Engineering Review and Construction Support Services for the Alameda Landing Project. Accepted.

AGENDA ITEMS

(07-014) Update on the Alameda Theater, Cineplex and Parking Structure Construction Project; and

(07-014A) Recommendation to amend the Construction Contract with C. Overaa & Co. for the Civic Center Parking Garage to increase the Scope of Work and approve reduction of the contingency budget.

The Redevelopment Manager gave a brief presentation.

Commissioner Gilmore inquired whether either alternative would add to the length of the Contract.

The Redevelopment Manager responded that she hopes to stay on schedule; stated the marquee and blade sign are custom items; shop drawings would need to be prepared; no additional costs would occur with a week or two delay.

Chair Johnson inquired whether the blade sign and marquee canopy

would be difficult to do later, to which the Redevelopment Manager responded in the affirmative.

Chair Johnson inquired whether other canopies could be added later, to which the Redevelopment Manager responded in the affirmative.

Commissioner Matarrese stated that he likes Alternative #1; inquired whether either alternative would have an effect on the ability to get a tree easement or put a vine trellis/mural on the northern wall.

The Redevelopment Manager responded architecturally there would not be a problem.

Commissioner Matarrese inquired whether there would be a financial impact.

The Redevelopment Manager responded the easement would have to be negotiated with Longs; stated that she does not know whether there would be financial implications.

Commissioner Matarrese inquired whether vines could be planted without obtaining an easement.

The Redevelopment Manager responded external planters become a high maintenance issue because the plants tend to die.

Commissioner Matarrese inquired what would be the option for making the northern side look decent.

The Redevelopment Manager responded vines take five to seven years to grow; stated an alternative would be to architecturally retrofit the northern elevation in the future; additional funding would be required; another alternative would be to do a temporary vinyl mural; a mural could be placed on the three, middle bay windows to break up the façade and cover the slope.

Chair Johnson stated hopefully more contingency money would become available and other options could be explored.

Commissioner deHaan inquired why the marquee canopy price changed drastically.

The Redevelopment Manager responded that she speculates the original bid was not correct; stated staff would negotiate to reduce the cost if the Commission decides to pursue the option.

Commissioner deHaan stated the northern elevation treatment changed

drastically.

The Redevelopment Manager stated staff requested that the entire façade be retrofitted with additional concrete, foam, and pipe rails.

Commissioner Matarrese inquired whether any economy would be gained by having the same people work on the parking garage marquee who are working on the Historic theater marquee.

The Redevelopment Manager responded the matter could be explored; stated the parking garage signage was competitively bid.

Commissioner deHaan inquired whether the Redevelopment Manager is comfortable with the contingency.

The Redevelopment Manager responded the Construction Management Team is comfortable.

Commissioner deHaan stated the contingency issue is different for the Historic Theater.

The Redevelopment Manager stated the Historic Theater is a design-build project; the 10% contingency is very prudent.

Commissioner deHaan inquired whether street and parking constrictions would last until the end of the project.

The Redevelopment Manager responded that she hopes to alleviate the constrictions prior to the holiday season.

Commissioner deHaan inquired whether the Park Street Business Association is comfortable with the timeline.

Robb Ratto, Park Street Business Association (PSBA), responded staff has done an excellent job in keeping the lines of communication open; stated PSBA understands that the Oak Street closure could last until the end of the project; PSBA Board Members and merchants are much less concerned with the northern exposure than signage at this point; the PSBA Board will take a tour of the theater next Wednesday at 8:00 a.m.; stated Council is invited.

Commissioner Matarrese moved approval to add Alternative #1 to the scope of work.

Commissioner Matarrese stated that the blade sign is distinctive and important; other features can be added at a later date without difficulty if money is available; requested that staff continue to

explore good solutions for the northern façade of the parking structure.

Commissioner Tam seconded the motion, which carried by unanimous voice vote - 5.

ADJOURNMENT

(07-015) There being no further business, Chair Johnson adjourned the Special Meeting at 10:30 p.m. in a moment of silence for the Virginia Tech massacre victims and with sympathy to the families and community.

Respectfully submitted,

Lana Stoker
Acting Secretary

The agenda for this meeting was posted in accordance with the Brown Act.